

Appendix A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGEL BARTLETT,

Plaintiff,

v.

Case No. 1:18-CV-184

KALAMAZOO COMMUNITY
MENTAL HEALTH, et al.,

HON. GORDON J. QUIST

Defendants.

ORDER

In accordance with the Opinion entered today,

IT IS HEREBY ORDERED that Plaintiff's complaint is **DISMISSED** pursuant to 28 U.S.C. § 1951(e)(2) for the reason that it fails to state a claim upon which relief can be granted and because the Court lacks jurisdiction.

Dated: March 1, 2018

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGEL BARTLETT,

Plaintiff,

v.

Case No. 1:18-CV-184

KALAMAZOO COMMUNITY
MENTAL HEALTH, et al.,

HON. GORDON J. QUIST

Defendants.

OPINION

Plaintiff, Angel Bartlett, proceeding pro se, has filed a complaint against Kalamazoo Community Mental Health, Portage Behavioral Health, Allegan County, and numerous individuals. Bartlett's complaint, like others she has previously filed before this Court, is rambling, quite difficult to follow, and makes little sense. Bartlett begins her complaint by citing various federal and Michigan criminal statutes and Michigan Rules of Evidence. She then launches into a wandering and incoherent narrative of her experiences in the mental health system and personal issues. Examples include:

- Dr. Mauli Verma lied to the courts and the State of MI Janice Lovett and Michael Baker was using CMH as a tool to get my kids away. They then caused me severe mental illness due to the fact Allegan County wanted my kids.
- I have not been in a steady relationship because they do such bad orders on the person I am with. I can't date without them making really bad actions on the partner. They drive us all crazy. I can't do anything including eat normal they put severe drives on me such as EATING Disorders and make me eat more than usual.
- Angel Schneider-Hopkins also has done severe orders on me and has tried to cover her actions by doing orders of me getting attacked and I then write her.

- The enclosed Planned Parenthood medical record shows a number of things that need to be noted. One is I have been accused of being a prostitute for many years by the State and the police. I do not have any diseases no HIV. It shows I am not pregnant.
- They keep trying to place me in the mental hospital but they cannot. I was almost put in but I called and got an override to get released right away. I was not doing anything wrong and they will not stop.

(ECF No. 1 at PageID.3–6.)

On February 23, 2018, the magistrate judge issued an order granting Plaintiff leave to proceed *in forma pauperis*. (ECF No. 4.) Pursuant to 28 U.S.C. § 1915(e)(2), the Court is required to dismiss any action brought under federal law if the complaint is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant immune from such relief. 28 U.S.C. § 1915(e)(2); *see also Benson v. O'Brian*, 179 F.3d 1014, 1016 (6th Cir. 1999) (holding that "§ 1915(e)(2) applies only to in forma pauperis proceedings"). The Court must read a *pro se* plaintiff's complaint indulgently, *see Haines v. Kerner*, 404 U.S. 519, 520, 92 S. Ct. 594, 596 (1972), and accept her allegations as true, unless they are clearly irrational or wholly incredible. *Denton v. Hernandez*, 504 U.S. 25, 33, 112 S. Ct. 1728, 1733 (1992). The Court concludes that Plaintiff's complaint must be dismissed as required by § 1915(e)(2) because it fails to state a claim.

Pursuant to Federal Rule of Civil Procedure 8(a), a complaint must provide "a short and plain statement of the claim showing that the pleader is entitled to relief." Detailed factual allegations are not required, but "a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 127 S. Ct. 1955, 1964–65 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47, 78 S. Ct. 99, 103 (1957)). The court must accept all of the plaintiff's factual allegations as true and construe the complaint in the light most favorable to

the plaintiff. *Gunasekera v. Irwin*, 551 F.3d 461, 466 (6th Cir. 2009). The court must determine whether the complaint contains “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570, 127 S. Ct. at 1974. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009). Although the plausibility standard is not equivalent to a “probability requirement,” . . . it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556, 127 S. Ct. at 1965). “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not ‘show[n]’—that the pleader is entitled to relief.” *Id.* at 679, 129 S. Ct. at 1950 (quoting Fed. R. Civ. P. 8(a)(2)).

Plaintiff fails to state a discernable claim. First, many of the statutes Plaintiff cites are criminal statutes that do not provide a private right of action and may not be enforced by private individuals. See *Benton v. Kentucky-Jefferson Cnty. Attorney’s Office*, No. 3:14CV-264-S, 2014 WL 3941571, at *2 (W.D. Ky. Aug. 12, 2014) (concluding that the plaintiff could not enforce 18 U.S.C. § 1038—a criminal statute pertaining to false information and hoaxes—as a private citizen); *Traveler v. CSX Transp., inc.*, No. 1:06CV56, 2007 WL 1830807, at *2 (N.D. Ind. June 22, 2007) (holding that 18 U.S.C. §§ 1621 and 1623 are criminal statutes which do not provide a private right of action for damages). Second, although the Court has reviewed Plaintiff’s complaint in detail, the Court finds no factual basis for a viable legal claim. Finally, the complaint is replete with references to “people,” “they,” and “them,” but Plaintiff fails to identify any specific person who took an action against her that allegedly violated her rights under the Constitution or a federal statute that provides a private right of action.

The Court also notes that “[a] complaint may be dismissed sua sponte for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Clark v. United States*, 74 F. App’x 561, 562 (6th Cir. 2003) (internal quotation marks omitted). For the reasons stated above, the Court also lacks subject matter jurisdiction over Plaintiff’s complaint.

In short, although Plaintiff is clearly upset about her involvement and/or treatment in the state mental health system, her complaint provides no basis for relief in this Court.

Accordingly, Plaintiff’s complaint will be dismissed.

An Order consistent with this Opinion will be entered.

Dated: March 1, 2018

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Deborah S. Hunt
Clerk

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: September 13, 2018

Mr. Thomas Dorwin
U.S. District Court
for the Western District of Michigan at Marquette
202 W. Washington Street
P.O. Box 698
Marquette, MI 49855-0000

Re: Case No. 18-1319, *Angel Bartlett v. Kalamazoo County CMH Board, et al*
Originating Case No. : 1:18-cv-00184

Dear Clerk:

Enclosed is a copy of the mandate filed in this case.

Sincerely yours,

s/Amy E. Gigliotti
Case Manager
Direct Dial No. 513-564-7012

cc: Ms. Angel Bartlett

Enclosure

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No: 18-1319

Filed: September 13, 2018

ANGEL BARTLETT

Plaintiff - Appellant

v.

KALAMAZOO COUNTY COMMUNITY MENTAL HEALTH BOARD; MAULI VERMA;
KARYN BOUMA; JEFF PATTON; PORTAGE BEHAVIORAL HEALTH; ASHLEY
ESTERLINE; DOCTOR KUNZER; TRACY QUINTANILLA; LISA HAHN; ANNE DRAKE;
TERESA MOSER; ALLEGAN COUNTY, MI; ANGEL SCHNEIDER-HOPKINS; ERIC
BLACKWELL; MAUREEN HUFF; KATIE COOK; NANETTE LAWRENCE; MARK WITTE

Defendants - Appellees

MANDATE

Pursuant to the court's disposition that was filed 08/22/2018 the mandate for this case hereby
issues today.

COSTS: None

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Deborah S. Hunt
Clerk

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: August 22, 2018

Ms. Angel Bartlett
P.O. Box 51122
Kalamazoo, MI 49005

Re: Case No. 18-1319, *Angel Bartlett v. Kalamazoo County CMH Board, et al*
Originating Case No. : 1:18-cv-00184

Dear Ms. Bartlett:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Amy E. Gigliotti
Case Manager
Direct Dial No. 513-564-7012

cc: Mr. Thomas Dorwin

Enclosure

Mandate to issue

In February 2018, Bartlett sued Kalamazoo County Community Mental Health Board and several of its employees, Portage Behavioral Health, Allegan County, doctor Mauli Verma, and numerous other individuals. In a rambling and confusing complaint, Bartlett alleged that she had been improperly adjudicated as mentally ill and placed in various mental-health facilities, and that she has been wrongfully accused of being a drug and sex addict. She alleged that she has been raped, molested, tortured, and subjected to “biomedical” treatments that will result in her death if they are not stopped, but fails to identify which parties specifically performed the alleged acts. She claimed that her friends and family have turned against her and assisted in the cover-up

of the harmful treatment to which she has been subjected. A magistrate judge granted Bartlett leave to proceed in forma pauperis.

The district court dismissed the complaint sua sponte pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of jurisdiction and pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief could be granted. The district court concluded that Bartlett's complaint should be dismissed because she sought relief pursuant to criminal statutes that do not provide a private right of action and because her allegations failed to set forth a viable legal claim in that she failed to identify specific persons who took actions that violated her constitutional rights. For these same reasons, the district court also concluded that it lacked subject-matter jurisdiction over Bartlett's complaint.

On appeal, Bartlett cursorily reasserts her claims and continues to argue that she has been tortured and raped, and that she is still forced to go to Kalamazoo County Community Mental Health Board for psychiatric treatment.

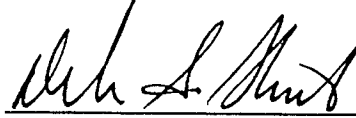
We review de novo a district court's dismissal of a suit under 28 U.S.C. § 1915(e)(2). *Hill v. Lappin*, 630 F.3d 468, 470-71 (6th Cir. 2010). Under § 1915(e)(2)(B), district courts must dismiss any complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See id.* at 470. A claim is frivolous when it is based on "fantastic or delusional" factual allegations or on legal theories that are indisputably without merit. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). "[T]o survive scrutiny under § . . . 1915(e)(2)(B)(ii), 'a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.'" *Hill*, 630 F.3d at 471 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Iqbal*, 556 U.S. at 679. Although a pro se litigant is entitled to a liberal construction of her pleadings and filings, our standard of review requires more than the bare assertion of legal conclusions, and the "complaint must contain either direct or inferential allegations respecting all the material elements to sustain a recovery under some viable legal theory." *Mezibov v. Allen*, 411 F.3d 712, 716 (6th Cir. 2005). A plaintiff "must allege, with

particularity, facts that demonstrate what *each* defendant did to violate the asserted constitutional right.” *Lanman v. Hinson*, 529 F.3d 673, 684 (6th Cir. 2008). Likewise, this court reviews de novo a judgment dismissing a complaint for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). *Moir v. Greater Cleveland Reg’l Transit Auth.*, 895 F.2d 266, 269 (6th Cir. 1990).

The district court properly concluded that Bartlett’s allegations failed to state a claim upon which relief could be granted. Bartlett’s conclusory assertions that she has been improperly adjudicated as mentally ill and improperly placed in various mental-health facilities are insufficient “to ‘state a claim to relief that is plausible on its face.’” *Iqbal*, 556 U.S. at 678 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Rather, in many instances, Bartlett merely identified the alleged wrongdoers as “they” or “them” instead of specifying how each named defendant violated her rights under federal law. In addition, she failed to provide any rational allegations specifying how any wrongdoer has taken actions to turn her family and friends against her in support of any effort to have her hospitalized. Next, Bartlett’s allegations that she has been raped and tortured are frivolous because they are based on “fantastic or delusional” assertions, including conspiracies and far-fetched theories of harm involving threats on her life, the use of “biomedical execution” and “severe radiation,” and allegations that she has been “programmed.” See *Neitzke*, 490 U.S. at 327-28. The district court also properly dismissed Bartlett’s claims under the various criminal statutes because the statutes do not provide for a private cause of action, and because the decision to prosecute is vested in the sound discretion of the Attorney General. See *Wayte v. United States*, 470 U.S. 598, 607 (1985). For these same reasons, the district court properly concluded that it lacked subject-matter jurisdiction over Bartlett’s complaint, because her allegations are “totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). Sua sponte dismissal is appropriate where the plaintiff’s “claims lack the legal plausibility necessary to invoke federal subject matter jurisdiction.” *Id.* at 480.

Accordingly, we **AFFIRM** the district court's order.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**